

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Wanda Renae Scott,) Civil Action No.: 8:14-cv-1944-MGL
)
Plaintiff,)
)
vs.) **ORDER AND OPINION**
)
State of South Carolina,)
)
Defendant.)
)

Pro se Plaintiff Wanda Renae Scott (“Plaintiff”) filed this action against the State of South Carolina indicating the matter is associated with a Social Security disability case, Civil Action No. 6:13-943, and seeking acknowledgment of the Disabilities Act, limitation from abuse, and presentation of the entire case. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this matter was referred to a United States Magistrate Judge for consideration of pretrial matters. The Magistrate Judge prepared a Report and Recommendation on May 20, 2014, recommending that the complaint be dismissed summarily without prejudice and without service of process based on Plaintiff’s failure to set forth a cognizable claim against the State of South Carolina. (ECF No. 9.) Also pending before this Court are Plaintiff’s request for disclosure (ECF No. 14), petition to moot with objections (ECF No. 15), and request for subpoenas (ECF No. 18.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The Court may accept, reject, or

modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).

Plaintiff filed objections to the Report on May 28, 2014 stating that she is awaiting a ruling on the related matter and desires an opportunity to put her case into proper form and to give a statement of her claims. (ECF No. 17.) Applying the requisite liberal standard to Plaintiff's pro se objections, this Court construes the objections as a motion to amend pursuant to Rule 15(a) of the Federal Rules of Civil Procedure. In view of the entire record, the Court grants Plaintiff's request for leave to amend her complaint to give a statement of her claims. Accordingly, this Court respectfully declines to follow the Magistrate Judge's recommendation at this time. Plaintiff has thirty days to file an amended complaint setting forth a cause of action against Defendant, or this case may be dismissed in its entirety.

Additionally, this Court is not in a position to provide Plaintiff with copies of the cases, files, and records she seeks and the Request for Disclosure is denied. (ECF No. 14.) The Court construes the Petition to Moot as objections which are overruled as moot in light of this order. (ECF No. 15.) Finally, Plaintiff's Motion for Subpoenas is denied with leave to re-file as Plaintiff provides no information about whom she plans to subpoena or why they may have relevant information. (ECF No. 18.) Any remaining requests are denied at this time with leave to re-file based on the allegations set forth in the amended complaint. This case is re-referred to the Magistrate Judge for further proceedings consistent with this order.

IT IS SO ORDERED.

/s/Mary G. Lewis
United States District Judge

Columbia, South Carolina
February 10, 2015

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.